



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 3, 1996

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MAY 6 1996

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

FCC MAIL ROOM

RE: *In the Matter of Federal-State Joint Board on Universal Service;*
CC Docket No. 96-45

Dear Commission Secretary:

Enclosed are an original and fifteen (15) copies of Reply Comments filed by this office on behalf of the Texas Advisory Commission on State Emergency Communications ("TX-ACSEC"). Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Muscat".

Richard A. Muscat
Assistant Attorney General
State Bar No. 14741550
Counsel for TX-ACSEC

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

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CC Docket No. 96-45

**Federal-State Joint Board on
Universal Service**

To: The Commission

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**REPLY COMMENTS OF THE TEXAS ADVISORY COMMISSION ON
STATE EMERGENCY COMMUNICATIONS**

MAY 6 1996

NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE

FCC MAIL ROOM

EMERGENCY COMMUNICATIONS (TX-ACSEC), by and through the Office of the Attorney General of Texas, and submits these REPLY COMMENTS in response to the Federal Communications Commission's (Commission) Notice of Proposed Rulemaking (NPRM) in CC Docket No. 96-45, Released March 8, 1996.

I.

Universal Service Fund Support for Access to 9-1-1 or E-9-1-1 is Vital.

1. The initial comments uniformly support including access to 9-1-1 or E-9-1-1 as a service for Universal Service Fund Support (USFS).¹ TX-ACSEC agrees. All telecommunications carriers must enable access to the 9-1-1 or E-9-1-1 emergency service provided by the local 9-1-1 governmental authorities. Carriers must always receive USFS

¹ See, e.g., Initial Comments of the Oregon Public Utility Commission at p. 5; Comments of Virginia's Rural Telephone Companies at p. 3; Comments of the New Jersey Division of Ratepayer Advocate at p. 8; Comments of AT&T Corp. at p. 12; Comments of the Icore Companies at p. 7; Comments of the Rural Utilities Service at pp. 9-10; Comments of the Office of the Resident Representative of the Commonwealth of the Northern Marianas Islands at p. 2; GTE's Comments at p. 2; Comments of Southwestern Bell Telephone Company at p. 8; Comments of the National Emergency Number Association at pp. 1-2.

when the carriers need the support to enable the public to receive access to the 9-1-1 or E-9-1-1 emergency service provided by the local 9-1-1 governmental authorities.

2. Carriers must not receive USFS for their network costs to enable the public access to 9-1-1 or E-9-1-1 when that support merely results in excess recovery of network costs. A few comments appropriately pointed out that carriers should not receive USFS for access to 9-1-1 or E-9-1-1 where no 9-1-1 or E-9-1-1 emergency service is provided by the local governmental authorities.² A couple of the comments appropriately pointed out that carriers might already be recovering network costs to provide access to 9-1-1 or E-9-1-1 in the rates charged the local 9-1-1 governmental authorities.³ Another comment attempts to draw an appropriate clear boundary: “Only the ability to access a 911 or E911 bureau should be included in the core definition. The non-network costs to provide either 911 or E911 should continue to be supported through existing public safety funding mechanisms.” See, GTE Comments at p. 2, footnote 6. But even this clear boundary might not be appropriate if carriers are compensated for network costs in the rates the local 9-1-1 governmental authorities pay the carriers for 9-1-1 services. The Joint Board should adopt appropriate guidelines to ensure USFS for access to 9-1-1 or E-9-1-1 emergency service is always

² See, e.g., Initial Comments of the Oregon Public Utility Commission at p. 5 (“The OPUC supports all of the suggested services as a reasonable part of universal service, with the caveat that 911 emergency services should be included only where they are available.” [emphasis added]); Comments of Southwestern Bell Telephone Company (SWBT) at p. 8 (SWBT supports the definition of universal service proposed by the Commission and augments it in several ways, one of which is “access to emergency service (911/E911) where provided by local authorities.” [emphasis added]); see also, Comments of the Icore Companies at p. 7.

³ See, Comments of the Georgia Public Service Commission at p. 7 (“Georgia already has a law to support 911 & E-911.”); Comments of TX-ACSEC at p. 2 (“Universal service fund support for 9-1-1 should be appropriately coordinated with the existing state funding mechanisms and the local governments involved in providing the emergency service.”).

provided to carriers when it is needed, and not provided to carriers when it merely results in excess recovery of network costs. One possible way to address the issue is to require carriers seeking USFS to certify that (1) 9-1-1 or E-9-1-1 is being provided by the local governmental authorities in the particular geographic area and (2) network costs are not also being recovered through the rates paid by the local governmental authorities for 9-1-1 service.

II.

N-1-1 Issues Should be Addressed in CC Docket 92-105.

3. One comment suggested N-1-1 auctions to the highest bidder for 2-1-1, 3-1-1, and possibly 5-1-1.⁴ The 9-1-1 community's opposition to and concerns about the further use of unassigned N-1-1 dialing codes, especially for commercial purposes, is a matter of record in CC Docket 92-105. Other parties, such as those seeking assignment of two N-1-1s for Telecommunications Relay Services, also have their N-1-1 positions in the record in CC Docket 92-105. If the Commission is inclined to give the request for N-1-1 auctions to the highest bidder any consideration whatsoever, that request, in fairness, should only be considered in CC Docket 92-105, where all other parties' positions, concerns, and requests relating to the assignment of the unassigned N-1-1 dialing codes are in the record.

⁴ See, Comments of the Texas Department of Information Resources at pp. 3-4.

Respectfully submitted,

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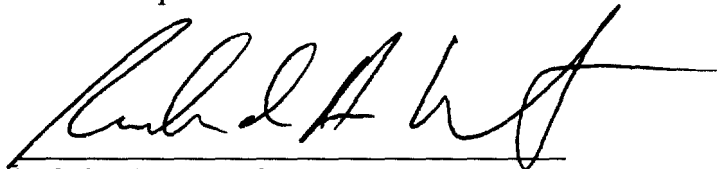
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon all appointees and staff personnel on the service list and the parties whose comments are referenced in these reply on this 3rd day of May, 1996.



RICHARD A. MUSCAT